

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Promoting Expanded Opportunities for)	
Radio Experimentation and Market)	
Trials under Part 5 of the Commission's)	ET Docket No. 10-236
Rules and Streamlining Other Related)	
Rules)	
)	
2006 Biennial Review of)	
Telecommunications Regulations – Part)	ET Docket No. 06-105
2 Administered by the Office of)	
Engineering and Technology (OET))	

COMMENTS OF THE HEWLETT PACKARD COMPANY

Hewlett-Packard Company (HP) is pleased to offer its comments on the above stated matters as described in the Notice of Proposed Rulemaking (NPRM), FCC 10-197, released 30 November 2010.

HP strongly encourages, and is encouraged by, the FCC's interest in promoting innovation and efficiency in spectrum usage, experimentation, and enhanced marketing trials. Of the six target areas listed in paragraph 2 of the NPRM, we would like to focus our comments on the last three, where it says in the NPRM "... (4) broaden opportunities for market trials by revising and consolidating our rules; (5) promote greater overall experimentation by consolidating and streamlining our existing rules and procedures; and (6) open new opportunities for experimentation by making targeted modifications to our rules and procedures." These areas are also covered under sections D, E, and F under "III. Discussion" in the original NPRM released as FCC 10-197.

I. BROADEN OPPORTUNITIES FOR MARKET TRIALS BY REVISING AND CONSOLIDATING OUR RULES

HP is encouraged by the FCC's proposal to "...relax the conditions under which market trials can be conducted¹" and to add clarity to the rules for operating and marketing of RF devices prior to equipment approval.

A. Limits on importation quantity of pre-approved devices should be increased and additional flexibility provided for even more units when necessary.

HP supports the FCC's proposal to increase the importation limit for pre-approved devices from 200 to 1200². This change will preserve Commission resources by freeing OET staff from addressing waiver requests necessary under the present prototype import rules. However, based on HP's review of its prototype imports made in the past few years, there have been cases where the proposed 1200 level would not have been adequate. Thus, if the FCC adopts the 1200 limit there may still be a need for waiver requests, and for this reason HP appreciates the Commission's retention of the flexibility provided in Section 2.1204(a)(3)(iii).

Marketing activities often are in addition to, and often done in parallel with, traditional "product development" activities such as design, testing, development of driver software for compatibility with different operating platforms, testing prototypes for compliance with regulatory requirements, etc. Furthermore, HP sells its products to a worldwide marketplace, and the number of countries or regions we typically sell into act as multipliers on these efforts and the number of prototypes needed to support development and marketing activities. The point is that a lot of parallel activities are going on in order to get the product to consumers as fast as possible. Constraints on the number of prototype units that we need to accomplish this slow the process. Consequently, we encourage the FCC to not only increase the importation limit on pre-approved prototype units, but also to continue providing flexibility in those case where manufacturers need to import a greater number of prototype units.

¹ Paragraph 60 of FCC 10-197

² Paragraph 71 contains the proposal for increasing the importation limits.

B. Additional import conditions flexibility is appreciated.

Regarding the subtle change to Section 2.1204(a)(3)(i) where the Commission proposes the phrase "...at least in part," HP supports this change. We like this because it removes what appeared to be an artificial impediment to the development of smart mobile telephones and similar products.

II. PROMOTE GREATER OVERALL EXPERIMENTATION BY CONSOLIDATING AND STREAMLINING EXISTING RULES AND PROCEDURES

HP supports the Commission's efforts to facilitate experimentation as a way to promote innovation. Consolidating and simplifying the rules that cover these activities is a highly desirable way to do this.

Product development engineers are regularly constrained by a plethora of design goals, specifications, market needs, and time constraints, as well as regulatory requirements. As noted previously, targeting markets worldwide often has a multiplicative effect on these criteria. Consequently, any effort to simplify, consolidate, and streamline regulatory requirements is helpful.

III. OPEN NEW OPPORTUNITIES FOR EXPERIMENTATION BY MAKING TARGETED MODIFICATIONS TO RULES AND PROCEDURES

HP supports the FCC's proposal to codify and facilitate the use of anechoic chambers and Faraday cages for product development and experimentation³. When properly used and maintained, all RF generated within these facilities is completely contained, so it seems logical that the rules applicable to open area use of electronic devices should not apply. Codifying their use would hopefully eliminate continual questions about this.

The key here is the issue of what "properly used and maintained" means. "Properly used" is a straightforward procedural matter that usually means not much more than "close the door before turning on the experimental device." "Maintained" may be as simple as periodically assessing the shielding effectiveness to ensure that RF leakage is controlled. Knowing how to properly use and maintain these facilities should be self

³ Paragraph 82 proposes codifying use of "Anechoic Chambers and Faraday Cages."

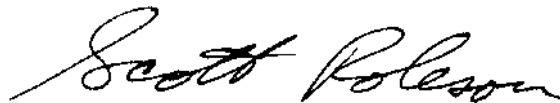
evident to anyone who has justified the installation and cost of an anechoic chamber or Faraday cage in the first place.

HP believes that the FCC should be careful about being overly specific in its rules about how these rooms should be “properly used and maintained” to avoid creating unnecessarily burdensome requirements. The focus should be on enabling the use of these tools. The consequences of not “properly using and maintaining” these facilities are to some degree self-evident. One reason for their use is to create an RF-quiet environment, which would be compromised if they are not properly used and maintained. This should be sufficient.

IV. CONCLUSION

HP is enthusiastic about the FCC’s efforts to promote experimentation, spectrum efficiency, and marketing trials. Specifically, HP is encouraged to see greater prototype importation limits, but believes that some flexibility is necessary to ensure that sufficient units are available to allow devices to get to consumers more quickly. Simplifying, consolidating, and streamlining applicable rules also promotes innovation and shortens time-to-market. Finally, facilitating the use of anechoic chambers and Faraday cages promotes innovation, but the Commission needs to be careful that any new regulations in this regard are not overly burdensome.

Respectfully submitted,

A handwritten signature in black ink that reads "Scott Roleson". The signature is fluid and cursive, with the first name "Scott" and last name "Roleson" clearly distinguishable.

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